THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.7207 of 2006

Dt.13-04-2006

Between:

Smt. V.Kamala Kumari

..Petitioner

and

1. Sub-Collector, Vijayawada and another

..Respondents.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.7207 of 2006

Oral Order:

Heard both sides.

Petitioner who is the fair price shop dealer was served with show cause notice on 20-10-2004 alleging that she has diverted 94.80 quintals of food for work rice contravening Condition 11 of authorization under the A.P. State (Public Distribution System) Control Order, 2001 to which the petitioner submitted her explanation

stating that 94.80 quintals of food for work rice were spoiled, unfit for human consumption, therefore, it was thrown away into the nearby irrigation canal with the consent of the house owner and the Panchayat members.

It appears that earlier on the report of the M.R.O. about irregularities committed i.e. petitioner has sent 4.06 quintals of PDS rice to mill for cleaning without prior permission, for which she has stated that the rice was sent to mill for cleaning as it is being spoiled by rats and apart from the same, another letter that she has turned out two pages from the sales register and writing the sales on some white paper, she has stated that she torned two pages in sales register as there are rewritings and she intends to make entries neatly in the sales register. Taking into consideration of the same a notice was sent to the petitioner to appear for the enquiry, which was returned unserved stating that *the dealer is not residing in the village*. Since the dealer has admitted in the explanation that she has diverted 94.80 quintals of food for work rice, the 1st respondent has ordered for cancellation of dealer's authorisation. On appeal being filed, the Joint Collector has not accepted the reasons put forth by the appellant for the shortfall of a quantity of 94.80 quintals of food for work rice. Assailing the correctness of the same present writ petition is filed.

It is not in dispute that against the order passed by the Joint Collector revision lies to the District Collector within 30 days. Even if the order passed by the Joint Collector was received on 08-03-2006, petitioner can very well file revision before 30 days from the date of receipt of the order and can call for the records to verify the allegation whether the said order is ante dated and communicated subsequently. Without making any such endeavour petitioner moved this Court and this Court cannot call for the records and verify such facts which can be done only by the District Collector, if any revision is filed.

In view of the same, I see no ground to entertain the writ petition unless the petitioner exhausts the alternative remedy of revision and invites an order from the revisional authority.

Writ Petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

13-04-2006

Note: Office to return the original order

of Joint Collector and cover

for enabling the petitioner

to file revision before the Collector.

(bo)

Murthy